

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES DAVID OFELDT,

Petitioner,

vs.

DIRECTOR,
NEVADA DEP'T OF CORRECTIONS,

Respondent.

Case No. 3:10-cv-00646-LRH-VPC

ORDER

The Court previously appointed the Federal Public Defender to represent the petitioner (ECF No. 5).

The Federal Public Defender (herein "FPD") has identified a conflict of interest with the petitioner, and has indicated to the Court their inability to further represent the petitioner. The Court's Criminal Justice Act Designee has, however, located counsel, **GLYNN B. CARTLEDGE, Esq.**, who is willing to be appointed to represent the petitioner herein.

The FPD further informs the Court that Ian Silverberg currently represents petitioner in the Second Judicial District Court, wherein proceedings are still pending. The FPD has obtained and organized the State Court records that are available and will provide those records to new counsel upon request.

IT IS THEREFORE ORDERED that **GLYNN B. CARTLEDGE, ESQ.**, is hereby *APPOINTED* to represent the petitioner herein, effective April 4, 2011. Glynn B. Cartledge, Esq., is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada, and she shall represent petitioner in all future proceedings in this court relating to this matter (including

1 subsequent actions) and appeals therefrom, pursuant to 18. U.S.C. Section 3006A (a)(2)(B), until
2 allowed to withdraw.

3 **IT IS FURTHER ORDERED** that counsel for petitioner shall meet with petitioner as soon as
4 reasonably possible to: (a) review the procedures applicable in cases under 28 U.S.C. Section 2254; (b)
5 discuss and explore with petitioner, as fully as possible, the potential grounds for habeas corpus relief
6 in petitioner's case; and (c) advise petitioner that all possible grounds for habeas corpus relief must be
7 raised at this time and that the failure to do so will likely result in the omitted grounds being barred from
8 future review under the rules regarding abuse of writ.

9 **IT IS FURTHER ORDERED** that counsel for petitioner and counsel for respondents shall
10 within forty-five (45) days file a joint statement describing what portions of petitioner's state court record
11 have been obtained and what portions are missing. Counsel for respondents should make available to
12 counsel for petitioner (photocopying costs at the latter's expense), as soon as reasonably possible, a copy
13 of whatever portions of the state court record they possess regarding the judgement petitioner is
14 challenging herein.

15 **IT IS FURTHER ORDERED** that counsel for petitioner shall file an amended petition for writ
16 of habeas corpus within ninety (90) days, which shall include all known grounds for relief (both
17 exhausted and unexhausted). Respondent shall have thirty (30) days after the filing of the amended
18 petitioner within which to answer, or otherwise respond to, the amended petition.

19 Dated this 6th day of April, 2011.

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LARRY R. HICKS
UNITED STATES DISTRICT JUDGE